

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America v.

United States Courts
Southern District of Texas
FILED

July 13, 2024

Nathan Ochsner, Clerk of Court

Jesus Cristo LOPEZ (USC/YOB 2003)

Case No. M-24-1154-M

Rodolfo BENITEZ-Garza (USC/YOB 2005)

Mario Elier LEAL (MX/YOB 2002)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1-12, 2024 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 1 USC 2

Aiding and abetting

Title 18 USC 922(a)(6)

False statement to firearms dealer (straw purchasing firearms)

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by AUSA Jose Garcia

Candace Garza
Complainant's signature

Candace Garza/ATF Special Agent

Printed name and title☐ Sworn to telephonically and signed electronically
per Fed.R.Cr.4.1Date: July 13, 2024 at 11:25 a.m.*Judge's signature*City and state: McAllen, Texas

Hon. Nadia S. Medrano, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On July 12, 2024, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) received information as to Rodolfo BENITEZ-Garza and Jesus Cristo LOPEZ, suspected straw purchasers attempting to purchase three (3) AK-47 variant rifles from a Federal Firearms Licensee (FFL) located in Mission, TX. Additional intelligence obtained revealed LOPEZ was previously inside the FFL with suspected firearm trafficking recruiter, Mario Elier LEAL, who is a suspect in an ongoing ATF investigation.

ATF agents, with the assistance of the Mission Police Department (MPD), made contact with BENITEZ-Garza and LOPEZ as they were exiting the FFL with both subjects each in possession of one (1) firearm. The third firearm was subsequently carried out of the FFL by a store employee on behalf of LOPEZ.

During a consensual interview of BENITEZ-Garza, he stated he traveled to the FFL the previous week to complete an ATF Form 4473 for one (1) AK-47 variant rifle in which he paid approximately \$1,100 in cash for. As to LOPEZ' firearms, BENITEZ-Garza stated, "They had already bought them". BENITEZ-Garza added LOPEZ had placed the firearms on layaway and when BENITEZ-Garza returned from out of town, he went to look at the firearms, saw one he liked, and purchased it. However, he was unable to complete the transaction due to a delay in his background check. BENITEZ-Garza informed agents he was notified by the FFL the previous day of his proceed to retrieve the firearm. BENITEZ-Garza stated he contacted LOPEZ earlier in the day and informed LOPEZ he would be picking up his firearm. BENITEZ-Garza added he picked up LOPEZ at LOPEZ' residence and both traveled to the FFL together to retrieve the firearms.

During a consensual and subsequent post-Miranda interview, LOPEZ admitted they (LOPEZ and BENITEZ-Garza) were recruited by LEAL to purchase AK-47 variant rifles on LEAL's behalf. LOPEZ indicated on or about July 1, 2024, LEAL picked up LOPEZ at his residence, provided him with \$2,200 in cash, and drove LOPEZ to the FFL to purchase the firearms. Once inside the FFL, LEAL pointed and picked out two (2) AK-47 variant rifles for LOPEZ to purchase. Due to LOPEZ receiving a delay from the National Crime Information Center (NCIC), they (LOPEZ and LEAL) were unable to complete the transaction on that day.

On or about July 6, 2024, LOPEZ stated BENITEZ-Garza traveled to the FFL to purchase one (1) AK-47 variant rifle, after receiving approximately \$2,500 from LEAL. However, BENITEZ-Garza was instructed by the FFL to return on or about July 11, 2024 to complete the transaction. LOPEZ informed agents LEAL traveled to LOPEZ' residence to retrieve the overage of cash from BENITEZ following BENITEZ' return from the FFL.

On or about July 10, 2024, LOPEZ was notified by the FFL he received a proceed and instructed to pick up the firearms. LOPEZ stated he informed LEAL of the information and was provided \$300, via a money transfer service, to pay the remaining balance for the firearms.

On July 12, 2024, LOPEZ stated they (LOPEZ and BENITEZ-Garza) traveled to the FFL in BENITEZ-Garza's vehicle to retrieve the three (3) AK-47 variant firearms purchased on LEAL's behalf. LOPEZ stated at the time of his initial conversation with LEAL, LEAL expressed the ability to make money purchasing firearms on his behalf; therefore, LOPEZ believed they (BENITEZ-Garza and LOPEZ) would be paid for their services.

While speaking to LOPEZ, he identified a red in color F-150 driving around the FFL parking lot as LEAL's vehicle. It should be noted the description of LEAL's vehicle provided by LOPEZ was the same make, model, and color previously identified as LEAL's in the ongoing ATF investigation. ATF agents and MPD officers made contact with the vehicle's occupants as they were exiting a nearby pharmacy. Upon contact, agents identified LEAL and a female subject. LEAL was subsequently detained.

A review of the ATF Form 4473 for BENITEZ-Garza indicated BENITEZ-Garza signed and certified for one (1) Century Arms, model VSKA, 7.62x39mm caliber rifle with SN: SV7150403 on July 6, 2024. BENITEZ-Garza was then given a proceed to purchase the aforementioned firearm on July 11, 2024. On July 12, 2024, BENITEZ-Garza completed the firearm purchase by signing and recertifying the ATF Form 4473.

A review of the ATF Form 4473 for LOPEZ indicated LOPEZ signed and certified for two (2) firearms, namely one (1) Pioneer Arms, model Sporter, 7.62x39mm caliber rifle with SN: PAC24PL20790 and one (1) Century Arms, model VSKA, 7.62x39mm caliber rifle with SN: SV7142105 on July 1, 2024. LOPEZ was then given a proceed to purchase the aforementioned firearms on July 3, 2024. On July 12, 2024, LOPEZ completed the firearms purchase by signing and recertifying the ATF Form 4473.